

Amity Johnson
 Name
950 W. Cordova Rd, #117
Santa Fe, NM 87505
 Address

FILED GR
 UNITED STATES DISTRICT COURT
 SANTA FE, NEW MEXICO

MAR 22 2023

MITCHELL R. ELFERS
 CLERK

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW MEXICO

Amity S. Johnson, Plaintiff
 (Full Name)

CASE NO. CV 23-242
 (To be supplied by the Clerk)

v.

Tesla, Inc., Defendant(s)

CIVIL RIGHTS COMPLAINT
 PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

1) Amity S. Johnson, is a citizen of New Mexico
 (Plaintiff) (State)
 who presently resides at 950 W. Cordova Rd. #117,
Santa Fe, NM 87505 (Mailing address or place of confinement)

2) Defendant Tesla, Inc. (formerly Tesla Motors, Inc.) is a ^{corporation} citizen of
 (Name of first defendant)
Austin, TX (formerly Fremont, CA), and is employed as
 (City, State)
N/A. At the time the claim(s)
 (Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state law?

Yes ☐ No ☐ If your answer is "Yes", briefly explain:

[
 ?
]

- 3) Defendant N/A is a citizen of
(Name of second defendant)
N/A, and is employed as
(City, State)
N/A. At the time the claim(s)
(Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state.

Yes ☐ No ☐ If your answer is "Yes", briefly explain:

[?]

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to ~~28 U.S.C. §1343(3)~~, ~~42 U.S.C. §1983~~. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

Jurisdiction is invoked pursuant to 28 USC § 1331 - involves federal law.

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

On or about July 2, 2022, I purchased a Tesla Model 3 rear-wheel drive midnight silver vehicle with autonomous/full self-driving (FSD) capacity from Tesla, Inc.

I never received the vehicle.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I:

Violation of The Uniform Commercial Code (UCC).

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

On or about July 2, 2022, I purchased a Tesla Model 3 rear-wheel drive midnight silver vehicle with autonomous / full self-driving (FSD) capability from Tesla, Inc.

I never received the vehicle.

B)(1) Count II:

Violation of the fundamental United States operating principal of citizen as consumer who can consume when funding secured.

(2) Supporting Facts:

On or around July 2, 2022, I purchased an autonomous vehicle from Tesla, Inc. : the Model 3 rear-wheel drive in midnight silver.

I never received the vehicle.

C)(1) Count III:

(2) Supporting Facts:

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: N/A

Defendants: N/A

b) Name of court and docket number:

N/A

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

d) Issues raised:

N/A

- e) Approximate date of filing lawsuit: N/A
- f) Approximate date of disposition: N/A

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

Notified Tesla, Inc. numerous times via app.

Notified Tesla, Inc. numerous times via phone.

Even notified Tesla, Inc. via Twitter.

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

To cover damages:

1. A Tesla 2023 Model 3 rear-wheel drive midnight silver electric automobile that drives itself (autonomous / full self-driving FSD)
2. Complete automobile insurance for the life of the vehicle, paid for by Tesla, Inc.
3. Complete automobile charging for the life of the vehicle, paid for by Tesla, Inc.

Punitive damages:

A 20-day pre-paid lease on a

Signature of Attorney (if any)

Emily Johnson

Signature of Petitioner

2023 life-size Elon R. Musk replica robot (also known as "Roboym!", "OHMY", "The Stimulator" or "..... mmmmm") situated in back seat of vehicle at time of delivery to Petitioner

Attorney's full address and telephone number.

Specs:
condition: as is
attire: black clad as usual
verbal mode tuned to: actuator's
charge status: full
action mode set to: ready

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at Santa Fe, NM on Feb. 21 2023
(Location) (Date)

Emily Johnson
(Signature)



Motor Vehicle Order Agreement

Customer

a johnson

(503) 812-4241

amityshanajohnson@icloud.com

Order Number

RN117495597

Order Fee

\$250

**Order placed with electronically
accepted terms**

07/02/2022

Vehicle Configuration

| Description | Price (USD) |
|------------------------------------|-----------------|
| Model 3 Rear-Wheel Drive | \$46,990 |
| Midnight Silver Metallic Paint | Included |
| 19" Sport Wheels | \$1,500 |
| All Black Partial Premium Interior | Included |
| Autopilot | Included |
| Subtotal | \$48,490 |
| Destination and Documentation Fee | \$1,200 |
| Order Fee | \$250 |
| Total | \$49,940 |

Price indicated does not include taxes and governmental fees, which will be calculated as your delivery date nears. You will be responsible for these additional taxes and fees.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Amity S. Johnson

Plaintiff(s)

v.

Tesla, Inc.

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Tesla, Inc.
1 Tesla Rd.
Austin, TX 78725

(formerly
45500 Fremont Blvd.
Fremont, CA 94538)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action

Civil Action No. _____

(This section shows)

This summons for (name of) _____
was received by me on (date) _____☐ I personally served the☐ I left the summons at the

on (date) _____, at _____

☐ I served the summons on (name of) _____
designated by law to accept service☐ I returned the summons unexecuted☐ Other (specify): _____

My fees are \$ _____ for _____

I declare under penalty of perjury that

Date: _____

Additional information regarding attempted service



DOWNTOWN ALBUQUERQUE

201 5TH ST SW

ALBUQUERQUE, NM 87102-9721

(800) 275-8777

02/21/2023

12:06 PM

P. 4 (1)

| Product | Qty | Unit Price | Price |
|----------------------------------|-----|------------|----------|
| First-Class Mail® Large Envelope | 1 | | \$1.74 |
| Austin, TX 78725 | | | |
| Weight: 0 lb 3.00 oz | | | |
| Estimated Delivery Date | | | |
| Fri 02/24/2023 | | | |
| Certified Mail® | | | \$4.15 |
| Tracking #: | | | |
| 70202450000031189802 | | | |
| Return Receipt | | | \$0.35 |
| Tracking #: | | | |
| 9590 9402 6874 1104 5529 04 | | | |
| Total | | | \$9.24 |
| Grand Total: | | | \$9.24 |
| Cash | | | \$20.00 |
| Change | | | -\$10.76 |

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informedelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device.



or call 1-800-410-7420.

UFN: 340131-0103
Receipt #: 840-58700337-1-697613-2
Clerk: 8

FILED *LR*
UNITED STATES DISTRICT COURT
SANTA FE, NEW MEXICO

MAR 22 2023

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

Amity S. Johnson, Plaintiff(s),

-vs-

Civil No. CV 23-242

Tesla, Inc., Defendant(s).

**CONSENT TO PROCEED / REFUSAL TO CONSENT TO PROCEED
BEFORE A UNITED STATES MAGISTRATE JUDGE**

In accordance with 28 U.S.C. § 636(c) and Rule 73(b) of the Federal Rules of Civil Procedure, the above-entitled action has been assigned to United States Magistrate Judge:

to conduct dispositive proceedings in this case, including motions and trial, entry of final judgment, and all post-judgment proceedings. Exercise of this jurisdiction by a U.S. Magistrate Judge is permitted only if all parties consent. **Indicate below if you consent to the assignment or if you refuse to consent:**

☐ **Consent**

☒ **Refuse**

Party(s)

Party(s)

Signature

Date

Signature

Date

If you are a *pro se* litigant, return this form to the Clerk's Office no later than 21 days after entry of the Order setting the Rule 16 Initial Scheduling Conference. If you are an attorney/e-filer, please visit our Web site at www.nmd.uscourts.gov for e-filing instructions. If consent by each party is not timely received, the matter will be reassigned to a district judge who will serve as the presiding judge.